

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DAVID HABIB,

Case No. 2:21-cv-01694-JAD-EJY

**Plaintiff,**

V.

UNITED STATES OF AMERICA ex rel,  
UNITED STATES COUNTY CONGRESS  
OVERSIGHT COMMITTEE (NGO),  
MICHAEL ANTHONY ZARZANO,  
FLORIDA COUNTY CONGRESS  
OVERSIGHT COMMITTEE (NGO),  
UNITED STATES OF AMERICA,

### Defendants.

## **REPORT AND RECOMMENDATION**

13 On September 14, 2021, Plaintiff filed a proposed Complaint with the Clerk of Court (ECF  
14 No. 1); however, Plaintiff failed to pay the \$402 filing fee and did not file an application to proceed  
15 *in forma pauperis* (“IFP”) in accordance with 28 U.S.C. § 1915(a)(1) and Nevada U.S. District Court  
16 Local Rule LSR 1-1.

On September 16, 2021, the Court issued an Order providing Plaintiff through and including November 1, 2021 to file a complete IFP or pay the \$402 fee required to file a civil action. ECF No. 3. The Court also instructed the Clerk of Court to send Plaintiff the IFP for a non-prisoner. *Id.* The Court explained that if Plaintiff failed to comply with the Order, it may recommend dismissal of this action without prejudice. *Id.* at 2. As of the date of this Recommendation, Plaintiff has neither paid the filing fee nor submitted a complete IFP.

Therefore, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with the Court's September 16, 2021 Order.

Dated this 8th day November, 2021.

Elayna J. Youchah  
ELAYNA J. YOUCAH  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).